IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB Hanson Industries, LLC, et al.,

Plaintiffs,

v.

Google Inc., et al.,

Defendants.

_____________________________________/

NO. C 05-03649 JW

**ORDER DENYING DEFENDANT'S REQUEST FOR THE COURT TO WITHDRAW ITS AUGUST 21, 2007, ORDER FROM THE PUBLIC RECORD**

Before the Court is Defendant Google's request that the Court withdraw its August 21, 2007 Order[1] from the public record until a sealing order can be entered to protect Google's allegedly confidential information. (Letter from Google's Counsel dated August 28, 2007.) Plaintiffs oppose this designation on the ground that it violates the parties' stipulated Protective order entered on May 15, 2007, which prohibits blanket designations of confidentiality as required by Civil Local Rule 79-5(a). (Letter from Plaintiffs' Counsel dated August 29, 2007.)

Rule 79-5(a) provides, "No document may be filed under seal" or "closed to inspection by the public, except pursuant to a Court order." A request to seal must be "narrowly tailored to seek sealing of only sealable material." Civ. L.R. 79-5(a). Moreover, "[a]s a public forum, the Court has a policy of providing to the public full access to papers." Id. (Commentary).

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[1] (Order Denying Plaintiffs' Motion for Partial Summary Judgment; Granting in Part and Denying in Part Defendant's Motion for Summary Judgment, hereafter, "Order," Docket Item No. 193.)

Dockets.Justia.com

Defendant asks the Court to contravene the principles of Rule 79-5(a) by removing from public view underlying factual support for its Order, which does not disclose with particularity any of Defendant's protectable information. Notably, the Order does not describe any of the Defendant's algorithms or source code. (See Order.) Thus, withdrawing its Order from public view would not be a "narrowly tailored" approach to protect Defendant's allegedly confidential information.

Accordingly, the Court DENIES Defendant's request to withdraw its Order from the public record. The Court will not entertain further motions on this issue.

Dated: September 21, 2007

JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: September 21, 2007**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**
**Elizabeth Garcia**
**Courtroom Deputy**